G.R.S. 57.]

S.R File No. 175 of 1909-10.

Serial Nos. 1-3.

1909.

GENERAL AND REVENUE SECRETARIAT.

(Sep. Rev.)

Part A: Manuscript
for December 1910.

Serial Nos. 1-3.

Right of the Mysore Excise Department to issue licenses for the sale of liquor in certain Railway Refreshment Rooms.

Table of contents

GPB—5,000—20-3-06.

G.R.S. 11] 1904

GENERAL AND REVENUE SECRETARIAT.

(892)

NOTES.

File No. 175 07

FILE HEADING.

Management & Control of the Railway Refreshment rooms and dining car.

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

1

OFC

NOTES—First sheet.

GPB—30,000—20-3-06.

(1) Extract from para 14 of Letter no. Pol 300 (814 in H-file 224-of) 30/10/08 to the P.A. Resident in Mysore — re Sandal trees growing on Railway lines.

× × × ×

(2) The Overseer reported that it is obviously in recognition of the principle that rights and powers not expressly made over to the British Govt, still rest in the Overseer that the right of the Mysore Excise Dept to issue licenses for the sale of liquor in Railway Refreshment rooms and the right of the Bangalore Municipality to license toddy for

suburban services cancelled
by the Madras Railway
Company within the
limits of the ~~Bangalore~~ Bangalore
City, have been
rescheduled

x x x

(4

Camp Mysore,

Camp No.139. 26th October 1909.

Dear Mr. Ananda Rao,

Will you please refer to the correspondence ending with Mr. Chandrsekhara Aiyar's letter No.300-Pol., dated the 30th October 1908, on the subject of the Durbar's rights in the sandal trees growing anywhere on the Railway line in Mysore territory.

In advancing this claim, the Durbar relied upon the contention that the cession of full jurisdiction over the Railway lands to the British Government did not affect their right to sandal which is a monopoly of the State. The subsequent correspondence has dealt with the somewhat vexed question of the meaning to be attached to the term "full jurisdiction" as used in connection with the cession of jurisdiction over the railway lands in Mysore.

On this point I fear that I remain unconvinced by the arguments adduced, but in the circumstances of the present case, it appears to me that the question of jurisdiction need not be pursued further in order to arrive at a settlement of the matter really at issue, namely, whether the Durbar are to cut and remove the sandal trees on Railway lands. Even on the view of the scope of the term "full jurisdiction" which I maintain, it is not the policy of the Government of India, as I understand it, to exercise the fiscal rights which may be conveyed to them by a cession of full jurisdiction further than to protect British revenue, and they have no desire to raise revenue for themselves in the lands to which the cession relates.

This being so, I am prepared to propose to the Durbar that arrangements should be made by the Civil and Military Station authorities under which the State officials will be allowed

(5.

reasonable facilities to supervise the sandal trees growing along the lines of railway over which jurisdiction has been ceded, and to remove them at their discretion, subject only to the proviso that no inconvenience or trouble is caused to the Railway Company and that trees which the latter consider likely to interfere with the working of the railways are promptly removed as at present.

The correspondence raises two other subsidiary questions to which it will be convenient to refer at the same time.

In paragraph 14 of Mr. Chandrasekhara Aiyar's letter No.300 Pol., dated the 30th October 1908, there is a passage which runs as follows:-

"The Durbar would point out that it is obviously in recognition of the principle that rights and powers, not expressly made over to the British Government, still vest in the Durbar that the right of the Mysore Excise Department to issue licenses for the sale of liquor in Railway Refreshment rooms, and the right of the Bangalore Municipality to levy house tax for buildings constructed by the Madras Railway Company within the limits of the Bangalore City, have been recognised."

As regards the concluding portion of this quotation I am obliged to remark in passing that the proposition that the Railway buildings in the Bangalore City Station are not liable to taxation under the Bangalore City Municipal Regulation or any other law of the Mysore State was distinctly advanced by this Residency in February 1904 and was definitely accepted by the Durbar in their letter No.3390-L.F.210-93, dated 7th March 1904. It was recognised at the same time that the City Municipality could fairly claim payment in return for the various services rendered to the Railway Company in the matter of communications, conservancy, water supply and lighting, and as such services were not covered by legal sanction, it was arranged that their performance and the remuneration therefor should be settled by

16

a special agreement between the Railway Company and the City Municipal Commission. At the request of both these bodies, the Resident acted as arbitrator and gave an award of Rs.1,980 a year for a period of 10 years from 1st July 1904 in satisfaction of all Municipal demands (other than the rate payable for the use of excess water) on account of the services rendered to the Railway Company by the Municipal Commission. In these circumstances it cannot be said that the right of the Municipality to levy house-tax has, from the jurisdictional point of view, received recognition.

The other question viz. the right of the Mysore Excise Department to issue licenses for the sale of liquor in Railway Refreshment Rooms, is of more practical importance. As it stands the situation is an irregular one from the legal point of view, for since the laws applicable to the Railway lands are those in force in the Civil and Military Station, the Mysore Excise Department has no locus standi there and their authority to enforce the excise law of the State is open to question in a Court of law.

The point, curiously enough, does not appear from the Residency records ever to have attracted attention or consideration, but in the circumstances, it is impossible to hold that the right of the Mysore Excise Department to issue licenses for the sale of liquor in railway refreshment rooms has ever been recognised. There is no intention, however on my part, to suggest any interference with the Durbar's enjoyment of the Excise revenue derived from the existing Railway refreshment rooms, marginally noted, because, for the reasons explained above, such a concession is not inconsistent with my view of the meaning of "full jurisdiction" but since, as stated, the Excise arrangements regarding the Railways can be legally regulated

Bangalore City
Tumkur
Arsikere
Kadur
Harihar

only under the Station laws and by the Station Excise Officers, it appears necessary and unavoidable that the management of the refreshment rooms be transferred from the Mysore Excise Department to the Collector of the Civil and Military Station, who will deduct the expenses of the supervision and collection from the revenue payable to the State.

13 If His Highness' Government accept the above settlement of their claims to the sandal and excise revenue in question, a brief official reply will be sent to your last letter and the necessary executive arrangements involved can be put into shape.

Yours sincerely,

Sd/- S.M. Fraser.

"Copy."

Under-Secretary
on duty with the Dewan.

8/8

Extract from D.O. No 514
14 S 9/12/09 from the Secretary
to the Resident in Mysore

x + + +

1) 2. In reference to the other
question referred to & discussed in your letter
as having now for the
first time attracted the
attention of the Residency
authorities, viz: the
request of the Mysore Excise
Dept to issue licences
for the sale of liquor in
Railway Refreshment
Rooms, I shall write
separately after some
investigation in the
Excise Dept

x + +

=

G. R. S. 12]
General and Revenue Secretariat.

File No. 175 of 1909

(9)

Serial No.

H Secy's No 478
H Fd 224-06, 85
1656.

16 A reference is solicited to paras 10, 11, 12, 30 & 37 to 40 of the file put up which contains some discussion on the subject. The Resident has addressed us vide DO of the 26th Oct. 1909 that the question of Railway Refreshment Rooms was not considered before which seems to be a fact. Railway dining car also goes with the Refreshment Rooms. The Secy has promised to write to the Resident in the matter after some investigation in the Excise Deptt. The attempt already made to trace the papers if any on the subject in our records was not successful. Submitted for orders.

28/10/09 Please see note below my note in file no 224-06 H and submit.

28/10/09 2/2/10

"18 Irrespective of the decision of the general question - which apparently will not be solved for the present - it is

NOTE—Contn. sheet.

GPB—55,000—27-4-09

(10)

Serial No.

declared we can give no effective
answer to the Contention of the
Residency regarding the transfer
of Control over Railway Refresh-
ment Rooms. Our laws are not
in force there and if the licensees
refuse to pay their fees we should
have no means of recovering
them.

14 "45. But in handing over the Control
to the Stn authorities we may stipu-
late that our Excise Officers
shall be allowed to inspect the
Refreshment-Rooms periodically
for the reason that a single Officer
at Bangalore cannot exercise
effective Control over R. Rooms
in such distant places as Arsikere
& Harihar. The other conditions
referred to in the Office note above
may also be urged.

(*) extracted below.

20 "46. The Excise Comr may also
be consulted"

Sd/- S. H.
Secretary.

24 (*) "Put the points to be urged are
that the licence fee should be fixed by the

NOTE—Contn. sheet.

BPG—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

File No. 175 of 1909

(11)

Serial No.

"Dwelear from three to three and
"that the Cost of Supervision Should
"not exceed a centage per centage
"say 5 or 6 of the license fees".

22. There is little to add to the note Extracted above (the Govt may be consulted)

4/2/10.

Sect) 25/2 - please put up draft to Ex. Comm.

CSB
7/2/10

Draft Ruled
29.1.10
8/2/10
10/2/10

11

Please place clear copy as revised

Clear Draft ended
11/2/10.

11/2/10

Sect

12/2/10

Sec y.

1st C.S.B

24 Approved 18/2/10

K.P.P.

Issue 22/2/10

21/2/10

NOTE—Contn. sheet.

BPG—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

(12)

SK File No. 175 of 1909

Serial No.	
1	To the Excise Comr No 7427/8-5-2/10 forwarded copy & draft from the Resident's letter on the question of the transfer of the Manufactured Tobacco Bonded Rooms to the Collector C.M. Stn. Bangalore, as suggested by the Resident.
2	From the Excise Comr No 7265/26-2/10 stating the objections to the proposed transfer & requesting that the Mysore Excise Shroff may be allowed to inspect the safeguards in question. Submitted for orders.
12 26	The Excise Comr's suggested conditions in para 3 of his letter under reference does not seem to be clear. He has suggested only one of the safeguards proposed in the office, which are:- 1) That the license fees should be fixed by the Overseer from time to time. or should not be less than that prescribed by the Overseer from time to time for the respective

NOTE—Contn. sheet.

BPG—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

SH File No. 1755 of 1909

Serial No.

Draft ordered
J-4-K
1/3-10
N-K
12/3/10

29 Please type the draft
put up by me. If there is
any difficulty in making it out, let
the Clerk concerned
[illegible]
22/3/10.

Sec 7

30 The draft may be approved.
Dewan Through 1842

23/3/10

31 May be approved
24/3/10

32 To be submitted as noted upon
by the Financial Secretary
& circulated to 2nd Committee Govt. - The
subject is of some importance -
J.A.R.

2nd Secy

NOTE—Contn. sheet.

BPG—55,000—27-4-09

31/3/10

G. R. S. 12]
General and Revenue Secretariat.

S.R File No. 175 of 1909

Serial No.

This may wait for a fortnight more when Mr Chakravarti will be back from leave.

15/4/10.

3. The draft as prepared seems to me to sufficiently safeguard the interests of the State. But I am respectfully of opinion that it is desirable, from the Durbar's point of view, to request that the present arrangements instead of being changed in any way be regularized by special orders of the Govt of India. Full jurisdiction has, it is true, been handed over to the British Govt as regards the lands in question; but there can be no objection to that Govt handing back a small part of that jurisdiction when such a step does not at all affect the interests of the British Govt but is of great importance to the State. The reasons that may be urged in favour of regularising the existing procedure are:—

(1) The present arrangement has worked smoothly for over a quarter of a century & it is therefore not desirable to disturb it.

(2) The Excise Revenue of the State may be exposed to risk consequent on the existence of liquor shops within its limits but not amenable to its control or jurisdiction.

(3) If Excise Revenue is handed over, many

NOTE—Contn. sheet.

G. R. S. 12]
General and Revenue Secretariat.

File No. 175 of 1909

Serial No.

difficulties will arise with regard to offences as smuggling of ganja, opium & the seizable articles as the Railway Police cannot take cognizance under local rules. The Extradition act not being applicable to special laws will also present many difficulties in the case of both governments." (opinion of Secy Comm vide letter dated 20/2/10.) J.S.C 8/5/10

Sd/ J.S.C.
8/5/10

Sd/ J.S.C.
8/5/10

Sd/ N.K.
12/5/10

12/5/10 Sd

Sd/ Secy
2nd Opr

16

12/5/10

3821.134

It is a pity that the question has been raised at all on account of a casual reference made in one of our own letters. The fact that the 'anomaly' was not noticed either by us or by the Residency before this shows that there was no practical

NOTE—Contn. sheet.

BPG—55,000—27-4-09

(17)

Serial No.

difficulty experienced in working the arrangement, and that we should probably find no difficulty attending it in future.

35 I am inclined to suggest that the matter may be left as it is, and that if we ~~Consider~~ find it necessary to appeal to any Excise laws to enforce the duties incumbent on the Keepers of the Refreshment rooms, we may act under the laws in force ~~the~~ in the C & M. Station and take the Cases whenever necessary before the Courts there.

36 If this ~~proposal~~ suggestion is considered not within practical politics, the proposals made in the draft are the ~~only~~ most favourable alternative for us. Perhaps it may be best to suggest both the Courses.

17

14/5/10

37 Of Course the H Secretary's suggestion is more advantageous to us;

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G.R.S. 12]
General and Revenue Secretariat.

SR File No. 175 of 1909

18

Serial No.

but it strikes me as quite useless to asks for a modification of the terms of the cession of jurisdiction.

H.U. 14/5/10

14/5/10

Circulate to First Council & bring up at Council meeting.

7.A.C. 8/June

1887

9/6/10

To the Council Section

K.S. 10.6.10

Seen K.P. 13/6/10

18

NOTE—Contn. sheet.

GPB—55,000—27.4.09

C. 467
12. 6. 10.

(19

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER.

SUBJECT.

Right of the Mysore Excise Department to issue licenses for the sale of liquor in certain Railway Refreshment Rooms.

CIRCULATED TO COUNCILLORS.

By order,

11. 6. 1910 19 Offg *Secretary to Government.*

K. P. PUTTANNA CHETTY, Esq.,
First Councillor.

H. V. NANJUNDAYYA, Esq., M.A., M.L.
Second Councillor. Opinion recorded.

GBPM—9-6-10—800

2913
1749/10

(20

41

Extract from the Proceedings of the 253th Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 12th & 13th Sept. 1910.

2. Subject. -

Right of the Mysore Excise Department to issue licenses for the sale of liquor in certain Railway Refreshment Rooms.

OPINION OF THE COUNCIL.

The Residency may be addressed to continue the present system under which the licenses are issued by the Durbar officers as this arrangement has worked without any inconvenience for the past 30 years nearly.

Sd/- T. Ananda Row.
Dewan of Mysore.

"Extract"

C S Balasundaramayya
Offg. Secretary to Govt.

20

D.T.

(27)

after deducting the expenses of supervision and collection.

"Paper under disposal."

3. The Excise Commissioner is of opinion that the supervision of the Railway Refreshment Rooms by the officials of the Civil and Military Station will either be not sufficiently frequent and efficient or will be too expensive. He has therefore suggested that the Mysore Excise officials should also be allowed to inspect these Refreshment Rooms, sending their notes of inspection through him to the Collector of the Civil and Military Station. He adds that if Excise jurisdiction is handed over, many difficulties would arise with regard to offences such as smuggling of ganja, opium and other excisable articles, as the (British) Railway Police cannot take action under our local rules.

4. The Financial Secretary, Mr. Chakravarti, has, for the reasons explained in his note dated the 8th May 1910, suggested that we should request that the present arrangement which has worked smoothly for more than a quarter of a century should, instead of being changed in any way, be regularised by special orders of the Government of India. He remarks that, although full jurisdiction over these railway lands

(23

has been handed over to the British Government, there can be no objection to that Government handing back a small part of that jurisdiction, when such a step does not at all affect the interests of the British Government but is of great importance to the State.

5. The question was considered in Council, and the Council is of opinion that the Residency may be addressed to continue the present system under which the licenses are issued by the Durbar officers as this arrangement has worked without any inconvenience for the past 30 years nearly. This may be approved.

P. Chandavarkar
26 Sept 20

23

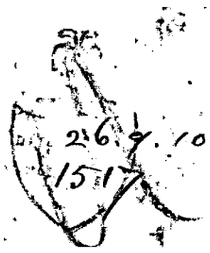
OTO

(24

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Right of the Mysore Excise De - partment to issue licenses for the sale of liquor in certain Railway Refresh - ment Rooms.



217

Order.

Approved
~~KRW~~
27/9/10

24

NOTE— Contn. sheet.

GPB—50,000—12-8-10

D. O. No. 71519

PRIVATE SECRETARY MYSORE

The Palace.

Mysore. 27. 9. 10.

My dear Sir.

With reference to file No 1379 of 26. 9. 10 re the right of the Excise Dept. to issue licenses for the sale of liquor in certain Railway Refreshment Rooms, this Minister desires me to say that in his opinion, the case is one which is pre-eminently deserving of

a personal conversation between
Humble the Resident & yourself
abandoned. In this wise. His
Highness thinks the path will be made
even so much more smooth and
conducive towards a satisfactory
and pleasant settlement
sense. This Highness would be
obliged if you would kindly consider
this suggestion of his. for he feels
assured. that if given effect to.

G. R. S. 12]
General and Revenue Secretariat.

S. R File No. 175 of 1917

Serial No.

it will help towards a speedy and amicable settlement of the matter.

Yours Sincerely
P Rajagopalachariar

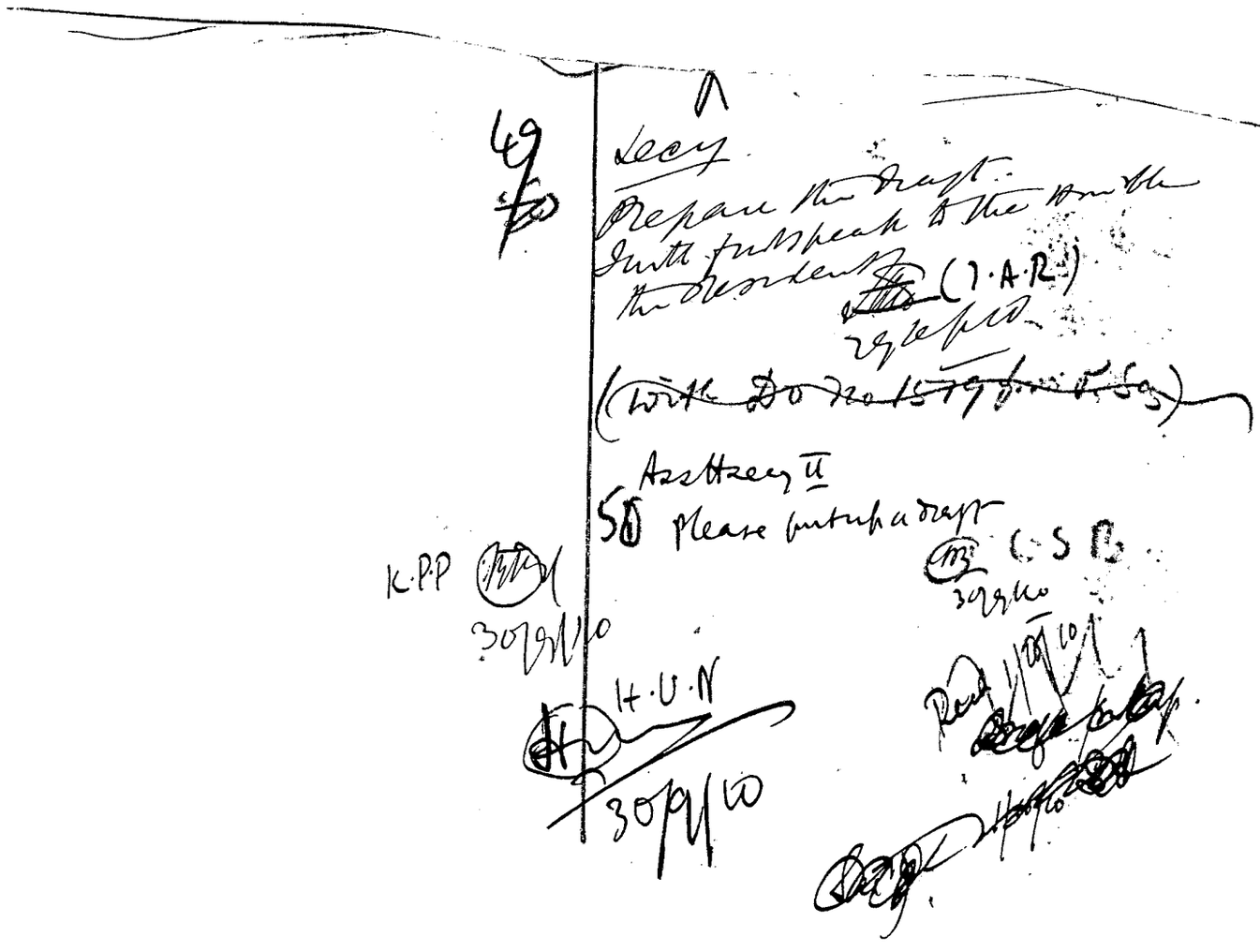
J. Anantha Rao Esq C.E.
Dewan of Mysore.
Bangalore.

25

NOTE— Contn. sheet.

GPB—50,000—12-8-10

S.R 175-07 (26)



26

G. R. S. 12]
General and Revenue Secretariat.

S-R File No. 175 of 1909

Serial No.

51 Draft put up.

1/6/10.

52 A draft memorandum (typed) on the question involved has been put up as instructed by the Secretary. The arguments of the first Lee and the 2nd Lee for the continuance of the existing arrangement have been summarised in the earlier portion of the memo while the conditions subject to which alone the transfer should be made - in case such transfer is unavoidable - are detailed in the closing portion.

27

10/11/10.

See 7 53 A memorandum stating the case for the continuance of the existing system is submitted. If necessary it can be easily

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

SR File No. 175 of 190 9

Serial No.

put into the form of a D.o. letter
or letter will may be forwarded with a
simple D.o. letter.

Dewan through (1882)

12/11/10

1/2/10 55 may be approved

14.11.10

14/11/10

8/12/14

14.11.10

28

Note—Contn. sheet.

GPB—55,000—27.4.09

56 Memorandum 29

Re. the transfer of Excise jurisdiction over certain Railway Refreshment Rooms to the British Government.

----------0000000---------

The Hon'ble the Resident maintains that, in consequence of the cession of full jurisdiction over certain Railway lines in the State, control over the refreshment rooms within such railway premises cannot be exercised legally by the Durbar and therefore suggests that, with a view to regularise matters, the Excise Jurisdiction over Refresh ment Rooms on those railways may be trahsferred to the authorities of the Civil and Military Station, on condition that the revenue realised subject to a deduction of necessary expenses of collection shall be handed over to the Durbar. If the legal question alone is considered, it is perhaps true that the position is somewhat anomalous ~~in affording cover to the contention of the Railway regarding the transfer of control over their refreshment rooms.~~ Our laws are not in force there and if the licensees refuse to pay their fees, we should have no legal means of recovering them. Practically

29

3C

however there is no reason to apprehend any inconvenience from the existing arrangement which has been in force for a long period. The fact that the question itself has arisen out of a casual reference in the correspondence relating to another matter (viz., the right of the Durbar to sandal trees within railway limits) and was not, till then noticed even by the Residency shows that neither the Durbar nor the Residency nor the licensees themselves felt any inconvenience under the present arrangement. This circumstance is in itself a very strong argument for its continuance; seeing, especially, that any other arrangement involving a transference of the control to the Civil and Military Station authorities will necessarily result in ~~better~~ risk to the Excise revenues of the State For example; there are five such refreshment rooms, viz., in Bangalore City, Tumkur, Arsikere, Kadur and Harihar. The

30

it. All the five refreshment rooms are licensed to a single respectable firm, viz. Messrs. Spencer and Co., and it has not been found necessary in the past to have recourse to excise laws to enforce the conditions under which the license is granted. It is always to the interest of the Durbar to see that the licensees in respect of these shops are held by licensees of standing; and, if this practice is kept up, there will be no occasion at all for exercising any of the powers of Government under the Excise laws of the State. It may also be added that the proposed transfer will not be of any advantage to the British Government; while it results in serious inconvenience to the Durbar. The continuance of the present system is therefore desirable from every point of view.

Should, however, the Residency think that it is impossible to allow the continuance of the present system and insist on a transfer of jurisdiction over the ~~shops~~ shops to the British Government, it is

33

necessary that the following conditions should be observed:-

(1) that the existing supervision of shops by the Durbar officers should continue to be maintained intact as has been arranged in the case of sandalwood trees within railway limits.

(2) that a fixed percentage, say 5 % should be debited to the revenue realised towards the cost of the supervision and collection by the officers of the Civil and Military Station, the rest being made over to the Durbar authorities. and that

(3) on account of the frequent opportunities they have for careful observation of the quantity of liquor consumed in these shops, it is desirable that the annual fee for each license should be fixed by the officers of the Durbar.

33

5/12/60

57
No 7388.

D.O.No. 7-1871

THE RESIDENCY,
BANGALORE.

5th December 1910.

My dear Dewan Sahib,

I have looked up the three matters about which you spoke to me this morning.

(i). As regards the Railway Refreshment Rooms, I am quite content, in view of the information which you have kindly given me, to leave matters as they are. From the experience of the past it may, I hope, be safely anticipated that no trouble will occur in future. In the event however, of any unexpected question arising, the consent now given will, of course, not preclude the Residency from taking up the matter at the point at which it was left by Mr Fraser.

(ii). We are sending you officially a copy of a letter which we addressed to the Conservator in Coorg on the subject of protecting the border forests from fire. I shall be visitng Coorg next month & will then give personal attention to the matter.

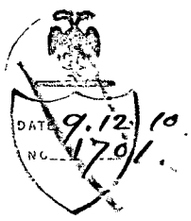
(iii). As to the exclusion of State Forests from manoeuvre areas, I find that we sent you on the 29th October (with endorsement No 6578) a copy of a letter from the General Staff Officer, Bangalore, intimating that the forthcoming manoeuvres were to be held about Hoskote but that the General would take steps to see that the State Forest to the east of that place & the Gollahalli palnataion are put out of bounds for troops & that no fires are lighted in their neighbourhood. I hope that this meets the Darbar's views. If not, I shall gladly consider any further representation which you may wish to make in the matter.

Yours sincerely, H. Daly

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Right of the Mysore Excise Department to issue licenses for the sale of liquors in refreshment rooms on the ceded lines of railway.



396

60

Order.

~~K.R.M.P.~~

12/12/10

36

16/12/10

16/12/10

17/12/10

G. R. S. 12]
General and Revenue Secretariat.

File No. 175 of 19

Serial No.

Draft letter to the Excise Comm is submitted for approval. The Resident does not seem to ask for a reply regarding the management of the Refreshment Rooms. If necessary a record of Heads may be said when replying there on the other two points.

The Resident's letter may be replied to Mr I for taking a view thereof for further action in the matter

Yes. This seems to be done by Mr D. above

Sd/ 16/12/10

To Br I

Copy taken & file returned

16/12/10

Sd/ 16/12/10

Sd/ 16/12/10

17/12/10

17/12/10

Sd/ 17/12/10

Let it be issued & submit to Sec for perusal

Sd/ 19/12/10

Seen H.U.N. 28/12/10

Issued

Sd/ 22/12/10

NOTE—Common sheet.

GPB—50,000—12-8-10

SR File No. 175 of 1909

Serial No. 3

To the Excise Cam
no 7E 3301 dy 20.12.10

Informs that it has been decided to leave matter as they are in view of the fact that from the experience of the past no trouble is expected in future in connection with these Refreshment Rooms

GPB—50,000—12-8-10

(1)

Proceedings of the Govt of H. H. the Maharaja of Mysore

Right of the Mysore Excise Department to issue licenses for the Sale of liquor in certain Railway Refreshment Rooms.

File No. 175 of 09-10.

39

Separate Revenue Diary
December 1910

G.R.S. 26]

File No. 173
Serial No. 89

17/2/10

Diary No. of letter replied to 514

From C. S. Balasundaram Aiyar Esq. B.A., Offg Secy to Govt. Select Rev-Depth, to H.H. Sparkes Esq. Engineer in Mysore

Letter No. F6 4271

Dated 25-2-1910

To The Chief Engineer in Mysore

Subject

I am directed to state that it has been brought to the notice of the Durbar that full jurisdiction on all lands acquired by the Mysore State Railway from and inclusive of the Harihar Rly. Station to and inclusive of the Bangalore Rly. Station and from and inclusive of the Yesvantpur Junction Rly. Station to the frontier of the State

over.

General and Revenue Secretariat

(814)

, the 190

Date of issue 23 Feby 1910

Signed by M Venugopala

Serial No (1)

40

SUBJECT.

on the Bangalore Municipal
Limits of the State Ry.
line including lands occupied
as stations, rest houses (
and their establishments
having been transferred
to the Br. Govt. in Mysore.
No 16453 - G. 4019, &
3rd April 1893, there appears to be
legal objection to the
management by the
Durbar of the Ry. Reserve
and Room, outside
the municipal limits as the
Municipal Excise Laws can have no force outside those limits
The Residency,
therefore suggests the
transfer of the manage-
ment of the Ry. Refreshment
rooms in the margin
to the Collector of the
Civil Stn. Bangalore
who will pay rent
to the Durbar the

List of enclosures,

1. Bangalore Municipal Limits

Copied by Veerabhadra

Examined by

GPB—10,000—23-5-08

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

An extract from a Resn communication on the subject is enclosed for reference.

41

therefrom revenues realised subject to a deduction towards the cost of collection and reassessment.

I am to invite your opinion on the question raised by the Hon'ble the Resident and to request you to specify the conditions you would prescribe for protecting fully the interests of the Darbar in case the proposed transfer is to be effected.

The favour of an early reply is requested.

I have &c

Sd/- B. Fisher

Secy

copied by
B. Krishnamurthy
27-7-06.

MGCPB—30,000—5-4-05.

Confidential D 3457 175-09-2

OFFICE OF THE EXCISE COMMISSIONER IN MYSORE,

No. 7265 T. *Bangalore, dated 26th February 1919.10.*

From

H.H. Sparkes Esquire,

Serial No-(2).

Excise Commissioner in Mysore.

To

C.S, Balasundram Iyer Esquire, B.A.,

Offg *Secretary to the Government of*
His Highness the Maharaja of Mysore,
General and Revenue Departments.

Letter No 7265 dt 26-2-10

SIR,

1. With reference to your letter No. Jl 4271 / S.R 175-09-1 dated 25-2-1910. / SNo 2

forwarding an extract from the Hon'ble the Resident's communica-

1. Bangalore.
2. Tumkur.
3. Arsikere.
4. Kadur.
5. Harihar.

tion about transferring the excise jurisdiction over the five Refreshment Rooms as per margin, to the Collector, Civil and Military Station, 42

I have the honor to state that the main objections to this arrangement is that the supervision of these Refreshment Rooms cannot be so frequent as at present which averages once a month at least. If the Station officer inspects them as frequently it will mean that the revenue derived from these Refreshment Rooms will be taken up by the travelling allowances and supervision charges of the Station officer. This may even be more than the revenue which is Rs 600/- only at present. If, however, these Refreshment Rooms are not so often inspected, there is a possibility of the contractors keeping a redundant stock

A 345

19

From

H. H. Sparkes, Esquire,

Excise Commissioner in Mysore.

To

C. S. Balasundaram Iyer, Esq.

Secretary to the Government of H. H. the Maharaja of Mysore,
Genl. and Rev. Depts.

Dated 26-2-10.

Despatched

Received

General No. 726/-

Enclosure No.

SUBJECT.

Replying re transferring the Excise jurisdiction over the five Refreshment Rooms to the Collector, C & R Stations.

GPB—2,000—31-7-09

stock and turning them into Taverns. Messrs Spencer & Co., the present contractors of the Refreshment Rooms practically asked for this when they applied for Retail licenses in these places. This was refused to them on the above score.

2 I would therefore, beg to suggest that the Mysore Government Excise officials be also allowed to do the inspections sending their notes through this office to the Collector, Civil and Military Station.

3. As regards the legality of the present arrangement I am not in a possition to offer anopinion, but I think it questionable whether any other Government than that which frames special Laws, can have jurisdiction in exercising those laws. If Excise jurisdiction is handed over, I am afraid that many difficulties will arise with regard to offences as smuggling of Ganja, Opium, and other excisable articles, as the Railway Police cannot take cognizance under local rules. The Extradition Act not being applicable to special Laws, will also present many difficulties in the case of both Governments.

43

I have the honor to be,

Sir,

Your most obedient servant

for Excise Commissioner.

Confidential

G.R.S. 26]

File No. 175/09

Serial No. 3

Diary No. of letter replied to 4265 dated 24-12-09

From C.S. Balasundaram Ayer Esq B.A
To H.H. Sparkes Esq. Excise Cmr in Mysore

No. X 3301

Dated 20-12-09.

General and Revenue Secretariat

( )

, the 19 .

To The Excise Comr in Mysore

Date of issue 26-12-09

Signed by W Harrison

Sir,

With reference to the correspondence ending with your letter No 7265 dated 26/11/09 regarding the Shalet furnishing over Cutting Refreshment Rooms in the State I am directed to inform you that it has

over.

Serial No. 3.

44

SUBJECT.

19/12

been decided to leave
the matters as they
are in view of the
fact that from the
experience of the past
no trouble ~~will~~ is expected
occur
in future in connection
with these Refreshment
Rooms.

I have &c

List of enclosures,

Copied by

Examined by

GPB—20,000—12-8-10